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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,138	03/30/2001	Richard Bardini	020699000600	8672
37490	7590	05/05/2005	EXAMINER	
CARPENTER & KULAS, LLP 1900 EMBARCADERO ROAD SUITE 109 PALO ALTO, CA 94303			LY, ANH VU H	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/823,138	Applicant(s) BARDINI, RICHARD	
	Examiner Anh-Vu H Ly	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-6 and 10-27 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 10 is/are allowed.
 6) ☒ Claim(s) 4-6 and 11-27 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This communication is in response to applicant's amendment filed December 06, 2004.

Claims 4-6 and 10-27 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 4, 6, 11-16, 18-20, 22-25, and 27 are rejected under 35 U.S.C. 102(e) as being anticipated by Movshovich et al (US Patent No. 6,434,146 B1).

With respect to claims 4 and 19, Movshovich discloses in Fig. 6, a block diagram illustrating the operation of the local header unit 400 in the transport demultiplexing system. Herein, the local header unit 400 includes a packet timestamp counter 420 (an isochronous data processor configured to process isochronous data packets), multiplexing unit 422, and local header state machine 426 (a firmware control configured to control operation of isochronous data processor). As illustrated in Figs. 7A and 7B, a local header (data marker) is generated and inserted at the start of each transport packet (a data marker inserted at beginning of each of isochronous data packets). Movshovich discloses (col. 7, lines 57-59) that the transport packets, along with the associated local header, are forwarded to a FIFO 322 to eventually be stored to memory (a storage medium for storing data markers and their associated isochronous data

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packets). Movshovich discloses (col. 11, lines 40-46) that byte 2 of the local header stores a counter value and is an incremental counter value which increments for every transport packet received. This counter value serves as time stamp information to retain the real-time information (isochronous data packet) of the transport stream, which can be used to maintain synchronization of an IEEE 1394 interface (wherein isochronous data processor uses data marker to resynchronize data delivery to the device when data delivery contains a corrupted packet).

With respect to claims 6 and 12, Movshovich discloses (col. 11, lines 40-46) that byte 2 of the local header stores a counter value and is an incremental counter value which increments for every transport packet received. This counter value serves as time stamp information to retain the real-time information of the transport stream, which can be used to maintain synchronization of an IEEE 1394 interface (isochronous data packets are transmitted in accordance with IEEE 1394 specification).

With respect to claims 11 and 20, Movshovich discloses (col. 11, lines 40-46) that this counter value serves as time stamp information to retain the real-time information of the transport stream, which can be used to maintain synchronization of an IEEE 1394 interface (upon retrieving data from storage medium, isochronous data processor uses data marker to synchronize data delivery to the device).

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With respect to claims 13 and 22, Movshovich discloses in Figs. 7A and 7B that the entry includes the local header, MPEG header, and MPEG payload (a record is stored in a buffer in the following order: the data marker, isochronous header, and a plurality of data packets).

With respect to claims 14 and 23, Movshovich discloses (col. 7, lines 57-59) that the transport packets, along with the associated local header, are forwarded to a FIFO 322 to eventually be stored to memory (wherein the record is stored on a hard disk).

With respect to claims 15-16 and 24-25, Movshovich discloses in Figs. 7A and 7B that the local header indicates the start of a packet in a frame (data marker is used to determine the start of a packet and the packet is synchronized to the start of frame).

With respect to claims 18 and 27, Movshovich discloses in Fig. 1, a set-top box for delivering information to the requested television 122 (wherein resynchronization of data delivery is in response to a request for data from the device).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 5, 17, 21, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Movshovich et al (US Patent No. 6,434,146 B1) in view of Lynn et al (US Pub 2004/0125825 A1).

With respect to claims 5, 17, 21 and 26, Movshovich discloses in Fig. 6, a local header unit for generating a local header. Movshovich does not disclose that data delivery begins with an isochronous data packet, which corresponds to a next frame boundary. Lynn discloses in page 1, 6th paragraph, that if the first packet of a frame is received outside of this boundary, the entire frame is generally discarded and not processed by the receiving device. This implies that if a packet in a frame is not delivered on time, the frame is discarded and the processing begins with the next packet of the next frame delivery. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the features of dropping and delivering only the next uncorrupted frame in Movshovich's system, as suggested by Lynn, to prevent jitters when displaying in the receiving device.

Allowable Subject Matter

4. Claim 10 is allowed.

Response to Arguments

5. Applicant's arguments with respect to claims 4-6 and 10-27 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

avl


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2667 4/29/05